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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

CACHIL DEHE BAND OF WINTUN INDIANS )  
OF THE COLUSA INDIAN COMMUNITY, a )  
federally recognized Indian Tribe, )

Plaintiff, )

vs. )

STATE OF CALIFORNIA; CALIFORNIA )  
GAMBLING CONTROL COMMISSION, an )  
agency of the State of California; and ARNOLD )  
SCHWARZENEGGER, Governor of the State of )  
California, )

Defendants. )

CASE NO. 2:04-cv-2265 FCD KJM

**STIPULATION AND ORDER FOR  
CROSS-MOTIONS FOR SUMMARY  
JUDGMENT RE: PLAINTIFF  
COLUSA'S THIRD CLAIM FOR  
RELIEF IN COLUSA II**

During the February 20, 2009 hearing on the parties' dispositive motions, the Court

1 expressed its willingness to receive from plaintiff Cachil Dehe Band of Wintun Indians of the Colusa  
2 Indian Community and defendants further motions for summary judgment limited specifically to  
3 said plaintiff's Third Claim for Relief in *Colusa II* (hereinafter, "Bad Faith Claim"), provided that  
4 said parties agreed to such a procedure. The Court memorialized that invitation in its February 23,  
5 2009 Order.

6 Pursuant to the Court's February 23, 2009 Order, plaintiff Cachil Dehe Band of Wintun  
7 Indians of the Colusa Indian Community and defendants State of California and Governor Arnold  
8 Schwarzenegger hereby agree that the filing of cross-motions for summary judgment by defendants  
9 and plaintiff limited to Colusa's Bad Faith Claim would assist the Court and the parties to resolve  
10 this issue and therefore stipulate to and request that the Court approve the following procedure and  
11 schedule:

12 1. Counsel for plaintiff and defendants shall have until and including March 25, 2009  
13 to agree on the documents and other evidence upon which their respective motions will be based.  
14 Should a dispute exist regarding the relevance of any document(s) or other evidence, the parties shall  
15 submit all disputed matters to the Court, together with a brief statement from each party setting forth  
16 each party's contentions regarding the admissibility in evidence of each disputed document or other  
17 evidentiary matter.

18 2. Any disputes about the admissibility of any document(s) or other evidentiary matter  
19 shall be submitted to the Court for resolution.

20 3. Should the Court allow the admission of any additional documents, the parties shall  
21 consecutively number any such document or documents and add it or them to the list of admissible  
22 documents to be utilized in support of their cross-motions and file with the Court within ten (10)  
23 days after the Court's ruling an appendix containing all of the evidence upon which the parties will  
24 rely in support of or in opposition to their respective cross-motions for summary judgment, under the  
25 title, RECORD FOR CROSS-MOTIONS FOR SUMMARY JUDGMENT.

26 4. If, by and including March 25, 2009, the parties have agreed on the documents and  
27 other evidence to be submitted to the Court as the basis for their respective cross-motions for  
28 summary judgment, the parties shall file their respective cross-motions for summary judgment and

1 supporting memoranda on or before June 25, 2009. If the parties submit to the Court a dispute over  
2 the admissibility of any evidence, the parties shall file their respective cross-motions for summary  
3 judgment within sixty (60) days of the Court's ruling on the admissibility of documents or other  
4 evidence.

5 5. Plaintiff and defendants shall file their responses within thirty (30) days after the  
6 respective moving papers are filed.

7 6. Any reply by either party to a response to their motion shall be filed within fourteen  
8 (14) days of the filing of that response.

9  
10 DATED: February 25, 2009

/s/ George Forman  
George Forman  
Counsel for Plaintiff

12  
13 EDMUND G. BROWN JR.  
Attorney General of California


14 DATED: February 25, 2009

By: /s/ Peter H. Kaufman  
Peter H. Kaufman  
Deputy Attorney General  
Counsel for Defendants

17  
18 **ORDER**

19 Pursuant to the stipulation of the parties and good cause appearing therefor, IT IS HEREBY  
20 ORDERED that plaintiff's pending motion for summary judgment regarding the Third Claim for  
21 Relief in *Colusa II* and defendants' pending motion for judgment on the pleadings regarding that  
22 claim for relief shall not be considered by the Court. Instead, the Court shall entertain cross-motions  
23 for summary judgment by the parties on that claim for relief filed in accord with the terms of the  
24 parties' stipulation.

25  
26 Dated: March 2, 2009

27   
FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE